

REMARKS

The Office Action dated April 9, 2008, has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claim 6 is amended as to matters of form only. No new matter is added. Claims 6-17 are pending in the application and are submitted for reconsideration.

Claims 6-17 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,944,191 issued to Ray et al. ("Ray"). Applicants respectfully traverse the rejection and submit that claims 6-17 recite subject matter that is not disclosed by Ray.

Claim 6, upon which claims 7-11 depend, defines a packaging that includes a tray having a series of spaced apart sections and a sheet fixed, in part, to the upper surface of the tray. Each spaced apart section has a generally rectangular shape and also a recessed compartment and an upper surface. The sheet includes a plurality of tab portions that are not fixed to the tray thereby creating tabs. Each tab corresponds to one of the spaced apart sections and having first and second ends. Each tab is graduated in width from the first end increasing in width to the second end. The first end of each tab is positioned in a corner of the corresponding spaced apart section (i.e., the corner of the rectangle generally defining the compartment for a medicated tablet or the like). Each tab portion has a length parallel to a length of the corresponding spaced apart section and the second end being adjacent to the fixed portion of the sheet of the corresponding spaced apart section. As a result, a useful, novel and

nonobvious blister package configuration is provided. See, e.g., Fig. 1 or 3 of the present application.

Claim 12, upon which claims 13-17 depend, defines a packaging that includes a tray having a series of spaced apart sections. Each spaced apart section is generally rectangular in shape and includes a recessed compartment and an upper surface. A sheet is fixed in part to the upper surface of the tray and includes a plurality of tab portions that are not fixed to the tray thereby creating tabs. Each tab portion corresponds to one of the spaced apart sections and includes first and second ends. Each tab portion is graduated in width from the first end to the second end. Each first end is positioned in a corner of the corresponding spaced apart section. Each second end has a width measured in a direction orthogonal to the length of the tab portion that is greater than or equal to one half a width of the corresponding fixed apart section.

As a result of the configuration of claim 12, a useful, novel and nonobvious blister package configuration is provided that is characterized by the width of the tab being greater than half the width of the rectangular portion at the point where the tab meets the fixed portion of the sheet and the first end of the tab is position in the corner of the spaced apart section. See, e.g., Fig. 3 of the present application.

Ray discloses a package (110, Figs. 5-8) that a tray 112 having a series of spaced apart, generally rectangular sections (Fig. 5, portions divided by unlabeled dotted lines) with a recessed compartment 120 and an upper surface 116. A sheet 114 fixed to the upper surface with a plurality of tab portions 132 not fixed to the tray (Col 6:7-16). However, the blister package of Ray is completely different from the claimed

configuration. First, the tab section are trapezoidal tab sections having a first end (narrow portion) in the center of the spaced apart section (not a corner), and a second end (wide portion). In this regard, the tabs of each section do not share any space with adjacent section, as in the present invention.

Further, the tabs of Ray are configured the way that they are because Ray is directed to a child-resistant package which requires force and/or manual dexterity to be used. Children are supposed not to have the required force and manual dexterity. On the contrary, the presently claimed package is not restricted as such and easily used by all patients, including those with limited dexterity (see pa4a [0008] of the present application).

Also, the resultant tab of Ray, which allows the user to peel of the cover tab portion 132 and expose the tablets for dispensing is made by the tray and by the cover sheet of the package. However, the present claims relate to a package with a tab immediately available and removable, and the tab need only be made only by the cover sheet.

Thus, Ray fails to disclose each and every element of claims 6-17. Accordingly, Applicants request that the rejection be withdrawn.

In view of the above, all objections and rejections have been sufficiently addressed. The Applicants submit that the application is now in condition for allowance and request that claims 6-17 be allowed and this application passed to issue.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

July 8, 2008
Date

/Brian A. Tollefson/
Attorneys for the Applicants
Brian A. Tollefson
Reg. No. 46,338
ROTHWELL, FIGG, ERNST & MANBECK
1425 K Street, N.W.
Suite 800
Washington, D.C. 20005
(202) 783-6040